

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include the Examiner's requested changes to FIGS. 1-3 and 5-6. Specifically, Applicants have added descriptive labels to more clearly identify elements in the figures. Applicants attach Replacement Sheets including the corrected figures and Annotated Sheets showing where labels have been added.

Attachments: Replacement Sheets of FIGS. 1-3 and 5-6
Annotated Sheet showing changes to FIGS. 1-3 and 5-6

REMARKS

Applicants submit this reply in response to the non-final Office Action mailed November 6, 2006, the period for response being extended through April 6, 2007, with the concurrent filing of a petition for two-month extension of time and payment of the requisite fee. Claims 1-12 are currently pending, of which claims 1, 11, and 12 are independent. In this response, Applicants have amended claims 1-12 and have canceled unelected claims 13-26 without prejudice or disclaimer. Applicants have also amended FIGS. 1-3 and 5-6 and the Abstract in accordance with the Examiner's required changes.

In the Office Action, the Examiner objected to the Abstract for minor informalities and also objected to FIGS. 1-3 and 5-6 as missing descriptive text. The Examiner objected to claims 9-12 as being in improper form and rejected claims 1-8 under 35 U.S.C. § 112, ¶ 2 for allegedly containing an indefinite term. The Examiner rejected claims 1, 5, 7, and 8 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application EP 1,233,273 A2 to Gigliotti et al. ("Gigliotti") and further rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0114127 to Baldwin ("Baldwin"). Finally, the Examiner rejected claims 2-4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Gigliotti in view of Baldwin. Applicants respectfully traverse all pending objections and rejections and request reconsideration of the application, as amended.

Pending Objections

The Examiner objected to the Abstract of the instant application because it contains the legal phrase "comprises." By this amendment, Applicants have replaced

the legal term “comprises” with the word “includes,” removed numeric references to the drawings, and corrected other minor grammatical errors in the Abstract. Accordingly, Applicants submit that the objection to the Abstract should be withdrawn.

The Examiner objected to FIGS. 1-3 and 5-6 because certain empty boxes require descriptive labels. In response, Applicants have prepared the attached Replacement and Annotated drawings sheets including the Examiner’s requested changes. Specifically, Applicants have added descriptive labels to more clearly identify elements in FIGS. 1-3 and 5-6, thereby obviating the pending drawings objections.

The Examiner objected to claims 9-12 as being in improper multiple-dependent form. Applicants have changed the dependencies of claims 9 and 10 to depend only from independent claim 1 and have rewritten claims 11 and 12 in independent form. Because the multiple claim dependencies in claims 9-12 have been removed, Applicants submit that the pending claim objections are now moot.

35 U.S.C. § 112, ¶ 2 Rejections

The Examiner rejected claims 1-8 under 35 U.S.C. § 112, ¶ 2 because the phrase “at least one RF power signal... fed in at least one frequency band (TX1, TX2, TX3..., TXn) to the antenna” (emphasis added) recited in claim 1 is allegedly unclear. For purposes of clarity, Applicants have amended this phrase to recite “at least one RF power signal input to the antenna in at least one frequency band” (emphasis added). Support for this amendment may be found, for example, in the Applicants’ specification at p. 4, ll. 17-29. Accordingly, Applicants submit that claim 1, as amended, satisfies the requirements of 35 U.S.C. § 112, ¶ 2 and the pending indefiniteness rejections should be withdrawn.

35 U.S.C. § 102(b) Rejections

Applicants respectfully traverse the rejections of independent claim 1 under 35 U.S.C. § 102(b) as being anticipated by Gigliotti and Baldwin. In order to properly establish an anticipation rejection under 35 U.S.C. § 102(b), every element of the claims at issue must be found in the applied reference, either expressly or under principles of inherency. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). In this case, Gigliotti and Baldwin each fails to disclose every element of the Applicants’ claimed invention:

Representative independent claim 1, as amended, calls for a combination including, for example, “a measurement arrangement for measuring at least one RF power signal input to the antenna in at least one frequency band” and “a communication module for transmitting said at least one RF power signal to a processing facility.” Because both Gigliotti and Baldwin fail to teach or suggest at least a measurement arrangement and communication module as recited in claim 1, these references are legally precluded from anticipating Applicants’ amended independent claim 1.

Gigliotti teaches “a monitoring device... intended to measure the electromagnetic field at a site designated generically by the letter L [in FIG. 1].” Gigliotti, col. 2, ll. 18-22. Specifically, the electromagnetic field at site L “derives from overlapping electromagnetic fields produced by a more or less large number of sources, one of which is illustrated schematically [in FIG. 1] and designated by the letter S.” Gigliotti, col. 2, ll. 23-27.

Because Gigliotti teaches a monitoring device 1 for measuring electromagnetic field strength output from an antenna, Gigliotti therefore fails to teach or suggest at least “a measurement arrangement for measuring at least one RF power signal input to the antenna,” as recited in Applicants’ amended claim 1. Specifically, the monitoring device 1 in Gigliotti is located at a site L that is physically remote from an antenna source S. Gigliotti, FIG. 1 (showing physical separation between antenna S and monitoring device 1); col. 2, ll. 41-43 (“[a]n important characteristic of the device 1... makes it possible to perform a remote monitoring function”); col. 5, ll. 7-8 (“the device 1 can be implemented as a mobile device...”); col. 5, ll. 10-12 (“...makes it possible to use the device 1 as a flexible measurement instrument capable of being readily located in widely dissimilar sites L”).

Thus, the monitoring device 1 in Gigliotti measures field strength at a site L that is physically remote from the antenna source S, so the physically-remote device 1 cannot also be adapted for “measuring at least one RF signal input to the antenna,” as claimed. Moreover, the monitoring device 1 in Gigliotti likewise cannot comprise “a communication module for transmitting said at least one RF power signal to a processing facility,” as recited in claim 1, since the monitoring device 1 in Gigliotti does not measure “at least one RF signal input to the antenna,” as claimed.

Baldwin suffers the same deficiencies as Gigliotti. In particular, Baldwin teaches “[a]n RF device including a control loop for maximizing output power for each of several data rates or constellation types.” Baldwin, Abstract. To that end, the RF device employs a power controller, and “[t]he power controller includes an output power detector... [that] provides an output power level value indicative of output power.”

Baldwin, ¶ [0007]; *see also* Baldwin, Abstract (“[a] power level value is generated from measured output power”). The measured output power is fed back to the power controller using “a single loop with separate input and output correction factors for each data rate or constellation type to maximize output power for all data rates using the same output power amplifier.” Baldwin, ¶ [0008].

Like Gigliotti, Baldwin similarly teaches a device that measures power output from an antenna, and therefore does not teach or suggest at least “a measurement arrangement for measuring at least one RF power signal input to the antenna,” as recited in Applicants’ amended claim 1. *See, e.g.,* Baldwin, ¶ [0034] (“The output power level of the output power amplifier 219 is measured by a power detector 221...”); ¶ [0007] (“The output power detector provides an output power level indicative of output power”). Additionally, Baldwin also cannot teach or suggest “a communication module for transmitting said at least one RF power signal to a processing facility,” as recited in claim 1, since the feedback loop in Baldwin processes RF power signals that are output from an antenna and not “at least one RF power signal input to the antenna,” as claimed.

Based on the foregoing, Applicants respectfully submit that independent claim 1, as amended, is allowable over both Gigliotti and Baldwin. Amended independent claims 11 and 12, although different in scope, recite language similar to independent claim 1 and are thus also allowable for at least the same reasons. Claims 2-10 depend on independent claim 1 and are therefore allowable for at least the same reasons.

Conclusion

The preceding remarks are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other bases of patentability.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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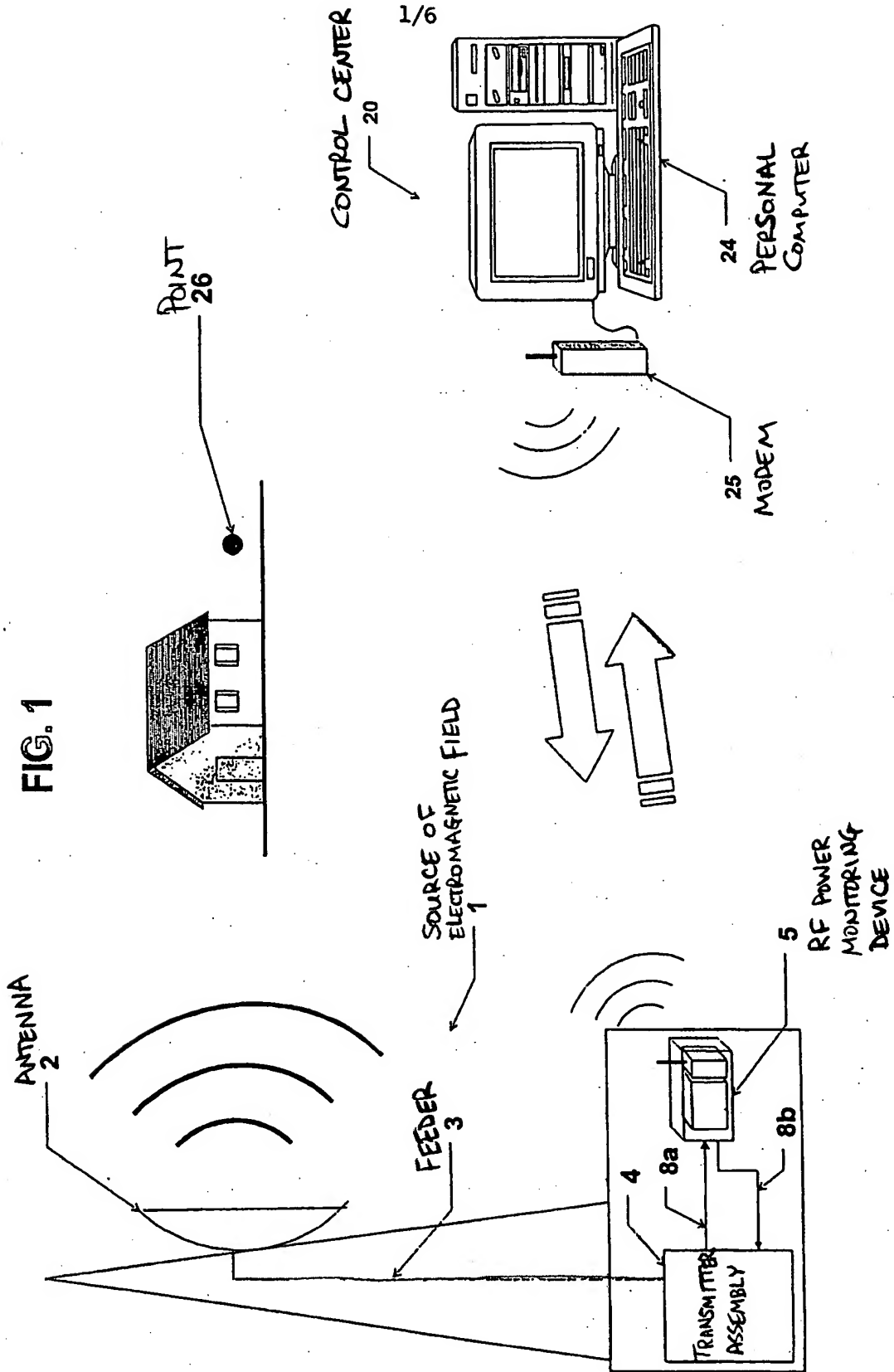
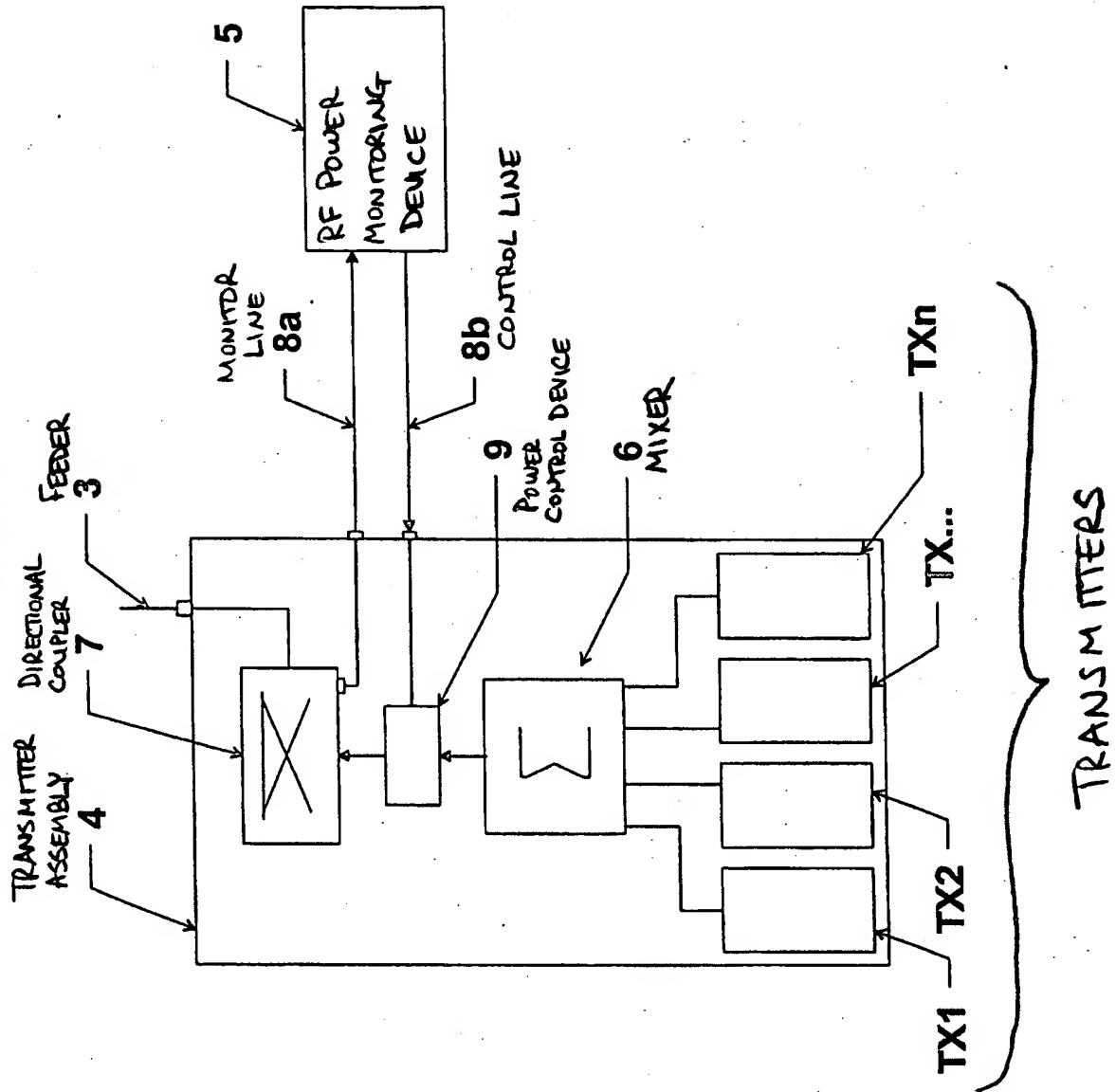


FIG. 2



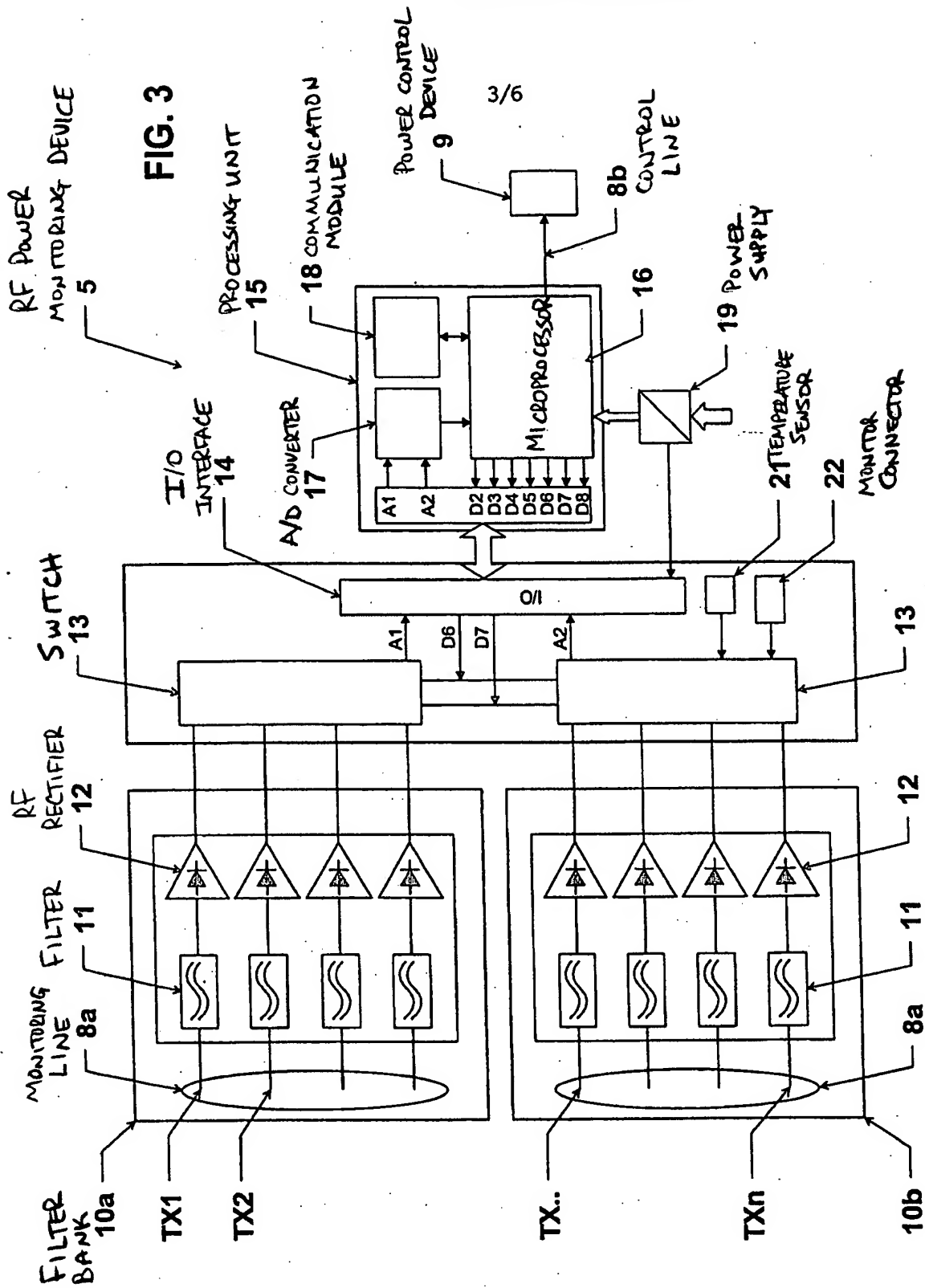


FIG. 5

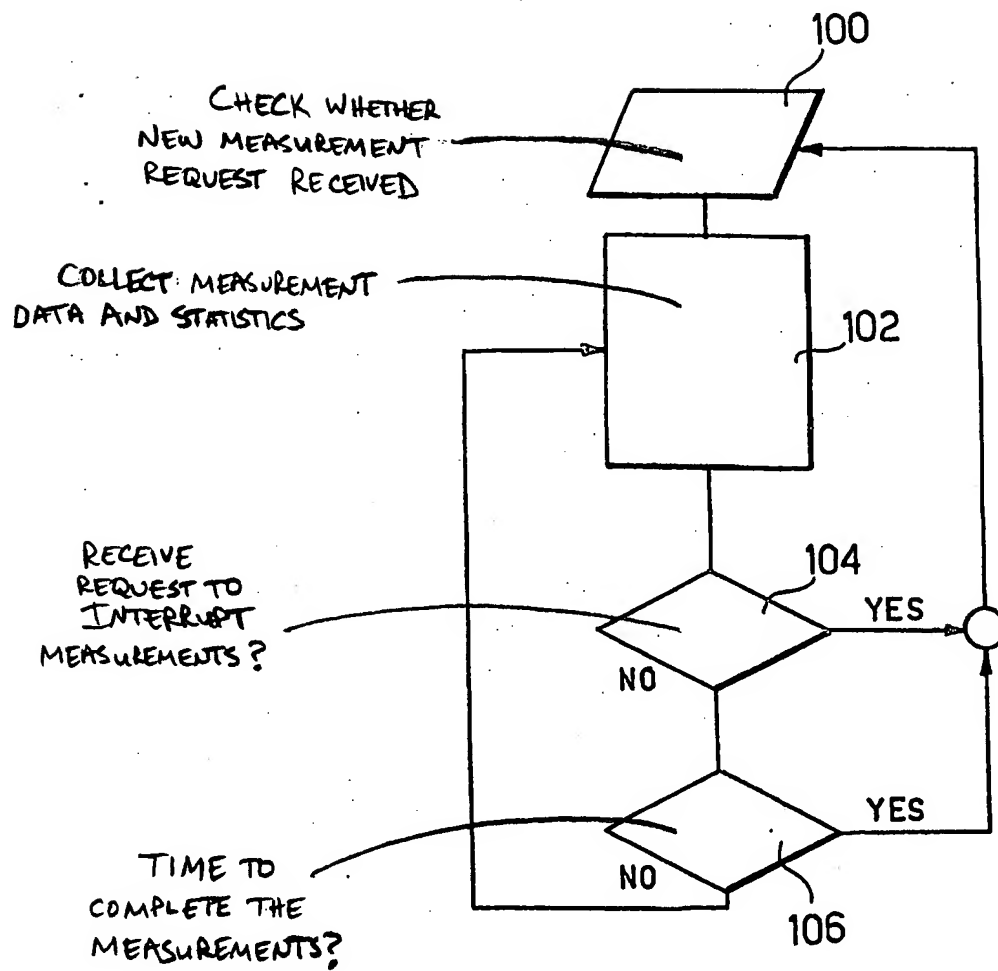


FIG. 6

